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March 10, 2025

The Honorable William C. Griesbach
United States District Courthouse Room 203
125 South Jefferson Street
Green Bay, WI 54301-4541

Re: The Estate of Jason Thomson v. Vaubel, et al.,
Case No.: 23-cv-84

Dear Judge Griesbach:

Consistent with representations made in the Plaintiff's Opposition to the Motion for Stay (D. 138) and in anticipation of the scheduled hearing on March 14, 2025, this letter serves as an update to the Plaintiff's submission to the Wellpath Bankruptcy "Stay Process."

On February 5, 2025, pursuant to the procedure outlined in D. 138-1 (Bankruptcy Stay Determination Process), counsel for the Plaintiff submitted a request regarding the status of the stay in relation to the Plaintiff's claims. (See Exhibit A – Stay Determination Emails, p. 3). On February, 25, 2025, an attorney representing the debtors provided the following response via E-mail:

We have reviewed your request with the Debtors, and the case is properly stayed as to Rebecca Warren. Ms. Warren was an employee of the Debtors and is covered by the Debtors' 2022-2023 GPL insurance policies, which are described in the *Declaration of James Seitz as Director of Insurance of Wellpath Holdings, Inc. and Certain of its Affiliates and Subsidiaries in Support of the Debtors' Omnibus Objection to Lift Stay Motions for Relief from the Automatic Stay and Stay Extension Reply* [Docket No. 828], at 20–21. The Debtors fully retain risk to pay claims made under the 2022-2023 Fronting Policy, and Texas Insurance Company is not liable for, and does not pay, any claims made pursuant to this policy. Accordingly, damage and defense costs accrued in connection with the underlying actions covered by the 2022-2023 Fronting Policy are borne solely by the Debtors. Thus, the Debtors' third-party coverage only applies after \$8 million is paid by the Debtors on account of each claim and is exhausted after \$3 million is paid in the aggregate. Such third-party coverage has not been triggered.

(Exhibit A, p. 2).

This response produces more questions than answers. On March 4, 2025, Plaintiff's counsel sought clarification on this response:

Can you provide clarification regarding the Debtors' liabilities or duties to Rebecca Warren as described in the Proposed Chapter 11 Plan? I understand she is not specifically identified but can you direct me to a provision in the Proposed Chapter 11 that you believe encompasses her as a basis for the stay? I appreciate your response citing to insurance policy but without relating it to the actual Proposed Chapter 11 Plan, it's unclear how Ms. Warren and my client's rights are affected and whether the stay is applicable. For instance, your citation in Paragraph 21 contains the undefined term "underlying actions." Please provide clarification of that term or direct me to relevant documentation that supports the position that litigation against Ms. Warren qualifies as an "underlying action" and is thus subject to the stay.

Lastly, as described in paragraph 6 of the cited declaration, are you able to direct me to any Docket filings that contain the Debtor's "evidence of coverage requirements"?

(See Exhibit A, p. 1). As of the date of this filing, the Plaintiff has not received an answer.

Defendant Warren has not produced any insurance policy in this litigation either pursuant to Fed. Civ. R. 26 or in response to discovery requests. The Debtor Wellpath now asserts that these policies are the basis for granting a stay. Further, Wellpath has not addressed on what basis it is liable for potential judgment against Warren in this matter. Nor has Warren.

Absent further clarification on these issues, the Plaintiff remains opposed to a stay in accordance with its Opposition Brief. (D. 138).

Sincerely,

S/ Kevin G. Raasch
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